

5509. Adulteration of oranges. U. S. * * * v. 196 Boxes of Oranges. Consent decree of condemnation and forfeiture. Good portion released. Unfit portion ordered destroyed. (F. & D. No. 8230. I. S. No. 22316-m. S. No. W-180.)

On or about April 7, 1917, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 196 boxes of oranges labeled, "White Cap Brand Sutherland Fruit Co. California," consigned by the Sutherland Fruit Co., Riverside, Cal., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped and transported from the State of California into the State of Colorado, arriving at Denver, Colo., on April 2, 1917, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that said oranges were decomposed, that is to say, had been frosted, and as a result of such frosting their tissues showed disintegration, they were bitter, had commenced to rot and decay, were light in weight, and contained little juice.

On May 3, 1917, Anthony E. Heichemer, Denver, Colo., claimant, having previously consented to a decree and having given a good and sufficient bond, in conformity with section 10 of the act, and the good portion of product, ascertained after careful examination, having been released to said claimant, judgment of condemnation and forfeiture was entered as to the remainder of the product, and it was ordered by the court that such unfit portion should be destroyed by the United States marshal, and that the claimant should pay the costs of the proceeding.

CARL VROOMAN, Acting Secretary of Agriculture.

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CARL VROOMAN, *Acting Secretary of Agriculture.*

**5510. Misbranding of eggs. U. S. * * * v. Golden & Co., a corporation.
Plea of nolo contendere. Fine, \$150. (F. & D. No. 8249. I. S. No.
3801-m.)**

On June 11, 1917, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Golden & Co., a corporation, Washington, D. C., alleging the sale by said company, in violation of the Food and Drugs Act, on December 20, 1916, at the District aforesaid, of a quantity of an article labeled in part, "Fresh * * * eggs * * *," which was misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed enlarged air chambers in all the eggs, crystals indicating cold-storage product present. One heavy spot and two eggs with yolks sticking to shell found.

Misbranding of the article was alleged in the information for the reason that the statement concerning said article and the ingredients and substances contained therein, appearing on its label, to wit, "Fresh," was false and misleading in that it represented to purchasers that said article consisted of fresh eggs; and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it consisted of fresh eggs, whereas, in fact and in truth, it consisted of eggs which were not fresh. On June 11, 1917, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$150.

CARL VROOMAN, Acting Secretary of Agriculture.